IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 4883 OF 2003
IN
CRIMINAL APPEAL NO.1396 OF 2003
AND
CRIMINAL APPEAL NO.1396 OF 2003

The State of Maharashtra ...Appellant.

V/s

1. Pralhad Maruti Adkae
and Anr. ...Respondents.

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Mr. A.M. Shringarpure - APP for the appellant - State.

Respondent and Advocate absent.

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CORAM: V.M.KANADE,J.

DATE: 8th October, 2004

PC:.

1. Heard the learned APP for the appellant - State.

2. Appellant - State is challenging the order passed by the Judicial Magistrate, First Class, Islampur District, Sangli in S.C.C. No.426 of 1997. The accused were charged under sections 24 and 47 of the Standards of Weight and Measures Act, 1985. The Trial Court, after perusing the entire evidence, has observed that the prosecution has failed to prove that the accused No.1 was the owner of the shop and that the article in question was seized from his shop. Similarly, no panchanama was prepared in respect of

the seizure of the said article from the accused. The Trial Court, therefore, in my view, has rightly held that the prosecution has not proved the offence in the absence of any documentary evidence and oral corroboration to the evidence of the complainant. Thus, there is no reason to interfere with the said order. There is also a gross delay in filing this appeal. However, for the reasons stated in the application for condonation of delay, the delay is condoned. However, leave is refused. Appeal is dismissed.

V.M. KANADE, J.